IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO.3487 OF 2006

Hotel Maharaja Bar
& Restaurant through Shri Sadanand
Namdeo Chorge ....Petitioner

vs
State of Maharashtra & ors .. Respondents

Mr.P.C.Kansara, Advocate for Petitioner

Mr.P.P.Kakade,AGP for Respondents

CORAM : K.J. ROHEE, J.

DATE : 18TH MAY, 2006.

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1. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. It is true that an appeal has been provided under section 33 of the Bombay Police Act, 1951 to the State Government aginst the order rejecting premises licence. However, this alternate remedy is not bar for this Court to invoke its powers under Article 226 of the Constitution of India.

3. It appears that the application of the petitioner for grant of premises licence for Hotel Maharaja Bar and

Restaurant situated at near Chayya Talkies, Kalyan, District Thane was rejected by respondent no. 2 without hearing the petitioner. The principles of natural justice require that any order should not be passed without affording opportunity of hearing to the party concerned. In view of this, the impugned communication dated 06/5/2006 rejecting the application of the petitioner cannot be sustained. I, therefore pass the following order :

(a) the communication dated 06/5/2006 is quashed and set aside.

(b) Respondent no. 2 is directed to hear the petitioner before passing any order on her application dated 4/2/2006.

(c) Respondent no. 2 is directed to comply with this order within eight weeks from today.

. (d) Rule is made absolute in above terms with no order as to costs.

(K.J. ROHEE J.)